

United States District Court
Southern District of California
940 Front Street, Suite 4194
San Diego, California 92101-8901

FILED

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Chambers of
Irma E. Gonzalez
Chief Judge

CLERK, U.S. DISTRICT COURT
Telephone: (619) 557-7107
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BY:

DEPUTY

March 14, 2008

Ray Robinson
1562 Illinois Street
San Diego, CA 92116

Re: 08cv244-DMS(BLM)
Raymond Robinson v. David Rubin and Brian Cornell

Dear Mr. Robinson,

Judge Gonzalez has received your letter dated March 12, 2008 regarding the reassignment of your case from Judge Whelan to Judge Sabraw. As you correctly noted in your letter, when a case is initially filed, the Clerk of Court randomly assigns a judge to preside over the case. The same is true when a judge recuses himself from a case. When a judge recuses himself from a case, the Clerk of the Court randomly reassigns the case to another judicial officer and enters a minute order notifying the parties of the reassignment. Neither the recusing judge, nor any other judicial officer, determines to whom the case will be reassigned.

I hope this reassures you of the fairness of the assignment of judges in this Court.

Sincerely,

CHAMBERS OF HON. IRMA E. GONZALEZ
Chief Judge
U.S. District Court

COPY

Ray Robinson
4562 Illinois St.
San Diego, CA 92116

March 12, 2008

Hon. Irma Gonzalez, Chief Judge
Federal District Court of Southern California
940 Front Street
San Diego, CA 92101

Re: Problem with the case assignment system.

Dear Judge Gonzalez:

The random nature of new case assignments is comforting, but such comfort is completely lost when a judge recuses himself and chooses a substitute.

I am a layperson litigant who unfortunately is a victim of a section 1983 violation by a state-court judge whose act divested him of judicial immunity.

I filed a complaint February 7, 2008 and, randomly, it went to Judge Whelan.

Superior Court Counsel filed a Motion to Dismiss February 28, with a hearing on April 1, to be decided by Judge Whelan.

I filed my Opposition March 11, upon which the clerk advised me that Judge Whelan had recused himself, and Judge Sabraw would be hearing the Motion on May 2.

Suddenly the randomness of the assignment is broken. Judges are apparently handing off cases based on personal preferences to whomever they think might handle the matter in some certain way.

The filing clerk tells me he does not get these cases back for another random assignment.

I have a difficult situation and I am no longer sensing fairness.

Can you reassure me? Or is this the best the system has to offer?

Original # '08 CV 0244 W BLM New # '08 CV 0244 DMS BLM

Thank you,

A handwritten signature in black ink, appearing to read "Ray Robinson", with a stylized flourish at the end.

Ray Robinson